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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,728	07/01/2003	Glen J. Anderson	P1471US01	6138
32708	7590	05/13/2005	EXAMINER	
GATEWAY, INC.			OSORIO, RICARDO	
ATTN: SCOTT CHARLES RICHARDSON			ART UNIT	PAPER NUMBER
610 GATEWAY DRIVE			2673	
MAIL DROP Y-04				
NORTH SIOUX CITY, SD 57049			DATE MAILED: 05/13/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/611,728	ANDERSON, GLEN J:	
	<b>Examiner</b>	<b>Art Unit</b>	
	RICARDO L OSORIO	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
  - 4a) Of the above claim(s) 1-10 and 24-28 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 11-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of species V, Figs. 10A-10C, claims 11-23 in the reply filed on 4/12/2005 is acknowledged.
2. Claims 1-10 and 24-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/12/2005.
3. This application contains claims drawn to an invention nonelected with traverse in Paper No. 4/12/2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 11-13, and 15-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Stavely et al (6,717,075).

Regarding claim 11, Stavely teaches of a multi-sided input device for operating one or more electronic apparatuses (Figs. 1-3), the device comprising; at least three sets of input controls (Fig. 3), each set sufficient to operate at least one of the electronic apparatuses (col. 2, line 62-col. 3, line 8); a plurality of user-accessible surfaces (Fig. 2A,

reference characters 210-214), the surfaces sized to contain substantially all of the input controls of a corresponding set (col. 2, line 62-col. 3, line 8).

Regarding claim 12, Stavely teaches means of operatively connecting a selected one of the sets of input controls to a corresponding electronic apparatus (Stavely does not specifically mention means for operatively connecting a set of input controls to a corresponding electronic apparatus. Stavely refers to a remote control (see col. 2, line 61). It is inherent for a remote control to have means (IR, radio, etc.) for operatively connecting a selected one of the input controls to a corresponding electronic apparatus.

Regarding claim 13, Stavely teaches of the connecting means comprising a gravity switch responding to rotation of the module to activate a set of input controls in a user-accessible position (col. 2, lines 35-40).

Regarding claim 15, Stavely teaches of the surfaces on which the sets of input controls are disposed are substantially planar (see Fig. 2C, reference characters 212, 214).

Regarding claim 16, Stavely teaches of the input device comprising a housing with an outer surface, and the user-accessible surfaces are arranged to face outwardly along the outer surface of the housing (see Fig. 1A, reference characters 210-214).

Regarding claim 17, Stavely teaches of the input device having a somewhat block-shaped form, the surfaces on which the sets of input controls are disposed comprising faces of the block-like form (see Fig. 2B).

Regarding claim 18, Stavely, further, teaches of four sets of input controls, wherein the input device has two opposite end faces and four side faces, the user-accessible surfaces on which the input controls are disposed corresponding to the four side faces (see Figs. 2B and 3, and col. 2, line 61-col. 3, line 19).

Regarding claim 20, Stavely teaches of a multi-media system, the system having a plurality of electronic subsystems for reading or processing information from corresponding information sources (col. 1, lines 16-19 and col. 2, lines 59-66), the subsystems selected from a group consisting of a television, stereo, etc, (col. 1, lines 17-18) the system further comprising a multi-sided input device for operating the plurality of subsystems (Figs. 1-3), the input device comprising input controls grouped into sets sufficient to operate at least one corresponding electronic subsystem (col. 2, lines 61-66), the device further comprising a plurality of user activatable surfaces, the surfaces sized to contain substantially all of the input controls of a corresponding set (col. 2, lines 61-66).

Regarding claim 21, Stavely teaches of a two-sided remote having TV controls on one side and controls for the electronic subsystem on the other side (col. 2, lines 61-66).

Regarding claim 22, Stavely teaches of two different electronic subsystems, wherein the input device comprises two sets of input controls, one for each of the two different electronic subsystems (col. 2, lines 61-66).

Regarding claim 23, Stavely teaches of a computer comprising a keyboard (col. 1, lines 14-15).

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stavely (6,717,075)

Regarding claim 19, Stavely teaches of the input controls comprising an alphanumeric keyboard, a stereo remote, and a TV remote (see col. 1, lines 14-20).

However, Stavely does not specifically teach of a game controller.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the game controller in the device of Stavely because game controllers are overwhelmingly known in the art of remote control devices as to have input controls to be used to control a game, and would be a clear choice for a person who wants to include more than one set of input controls in a remote control module.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stavely (6,717,075) in view of Masakasu (JP 60095624 A).

Regarding claim 14, further, Stavely does not specifically teach of comprising two corresponding sets of input controls for the two different software applications.

Masakasu teaches of two corresponding sets of input controls for the two different software applications (see Constitution, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have two input controls for two different software applications so that the desired keyboard, related to the specific software, can be operated optionally (Constitution, lines 1-10), and it is more economic to have two input devices in the same module, and two different languages or softwares can be used with the same input device.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is 571-272-7676. The examiner can normally be reached on Monday through Thursday from 7:00

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A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala whose telephone number is 571-272-7681.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

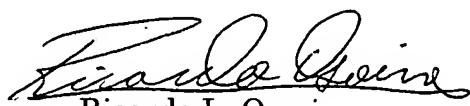
Washington, D.C. 20231

or faxed to:

703 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ricardo L. Osorio  
Examiner  
Art Unit: 2673

RLO  
May 10, 2005